Of the main divisions of the work, those which are most valuable to the ordinary practitioner are of course Parts II, IV, and VI, and they naturally take up the greater part of the text of the book, covering respectively 150, 125, and 165 pages. The arrangement of the topics under the main heads is good, and, while the text is rich in citations and in quotations, the author does not hesitate to give his own explanation and interpretation of the points discussed. In addition to citations of cases there are in numerous instances references to notes or exhaustive collections of cases made by others. The difficult task of stating one after another the leading cases decided by the Supreme Court, which is undertaken in the preface, is likewise skillfully handled.

The portions of the book dealing with the history of the court, and the sections dealing with the court's original jurisdiction, especially the boundary cases, make interesting reading even for a layman. The influence of Marshall, both in extending the jurisdiction of the court and in establishing it in its high place, is well set forth.

The mechanical part of the work is in general well done. The table of cases is not nearly so valuable as it would have been, however, had the names of the defendants been indexed as well as those of the plaintiff, for it not infrequently happens that the name of one of the parties only is recalled by the reader seeking the comment upon a case. The index also is open to the criticism that its list of main heads is altogether too small. It is hard to understand, for instance, why so often used a phrase as "full faith and credit" should not have a place in the alphabetical headings of the index. These, however, are very minor points of criticism.

The text-book is a welcome addition to the hitherto scant literature dealing with the Supreme Court, and will be helpful to every lawyer whose practice takes him before that important body. It will also well repay the study of the law student who wants to become familiar with the jurisdiction and practice of the highest court in the land. E. E. F.

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A TREATISE ON THE LAW OF AGENCY, including Special Classes of Agents, Attorneys, Brokers, and Factors, Auctioneers, Masters of Vessels, etc. By William Lawrence Clark and Henry H. Skyles. In two volumes. St. Paul, Minn.: Keefe-Davidson Co. 1905. pp. liv, 1–1146; 1147–2178. 8vo.

Although the usual preface in which the writer of a new law-book commonly sets forth his aims is wanting in this work, it is easily to be guessed from a slight study of it that the object of our joint authors is the production of a more comprehensive treatise on the subject of Agency than any previously published. To a great extent they have succeeded. The book, in its nineteen hundred and more pages of text, besides stating general principles, treats of the finer points of the subject in detail, and substantiates its conclusions by citations far more exhaustive than those of any other work upon the subject. Add to these merits clearness of treatment, a convenient division and subdivision of topics plainly set forth in a satisfactory table of contents, and a reasonably complete index, all of which are provided by the writers, and we have a book most useful to the attorney seeking for information as to the state of the law.

Nevertheless it is not without its defects. Although it is by no means a mere collection of cases, yet its explanation of the difficult underlying theories of the relation of principal and agent is not so final as the student of the law might wish. For instance, it is certain that the relation of principal and agent, though consensual in its nature, is not strictly a contractual one. This is recognized on page 109, where it is stated: "A contract between principal and agent, as distinguished from mere consent of the principal, is not necessary to authority on the part of the agent. As we have seen, a person who has no capacity to make a binding contract may nevertheless be an agent." But in that section of chapter ii. entitled "Who May Be Principals" there is some tendency to

treat the relation as dependent on contract. Thus on page 47 we read: "At common law a married woman . . . is incapable of entering into a binding contract . . . and she is incapable of appointing an agent or attorney. Except, therefore, in so far as her common law disabilities have been removed by statute, all contracts of agency or appointments of an attorney by a married woman, and all contracts or acts which she undertakes to make or do through the intervention of an agent or attorney are absolutely void." Later, on page 523, is found a discussion of Freeman's Appeal (68 Conn. 533), a case in which the court held the guaranty of a married woman delivered in Illinois by her agent to be void, on the ground that by the law of her domicile, Connecticut, where the appointment of an agent was made, she had no capacity to contract, and therefore no power to appoint an agent, and consequently could not be bound by the act in Illinois, whatever might be the law of that state as to her capacity. Our authors remark " . . . this case was really not a construction of the agent's authority, but a construction of the power possessed by the married woman under the laws of Connecticut"; and they quote the language of the court: "The underlying question is, 'Was it, as to her, ever delivered at all? It was not so delivered unless delivered by her authority, and by the laws of Connecticut, where she assumed to give such authority, she could not give it.'" It is submitted that the case may be more readily explained as based upon a misconception of the principles of agency, and opposed to the authority of Baum *v.* Birchall (150 Pa. St. 164), not cited by the authors.

Another instance of failure to explain a troublesome principle as clearly as might be wished, is found in the discussion of the nature and extent of the agent's authority. A principal may be liable to a third person for acts of his agent done contrary to his wishes or even his express directions in two cases: first, if he has in some form represented to the third person that the agent has authority to do the acts, and the third person has changed his position in reliance upon those representations, the principal is estopped, upon grounds not in any way peculiar to the subject of Agency, to deny the authority; second, if the principal has given the agent authority to conduct certain matters, but has without notice to the third party given private instructions reducing the agent's discretion below that ordinarily exercised by agents engaged in similar enterprises, the third person is not bound by such instructions, even though on account of lack of representations made directly from the principal to the third party the elements of estoppel do not exist. Whether an estoppel is made out is a matter of no great difficulty; but the determination of the line at which instructions of the principal cease to be effective limitations upon authority and become unimportant so far as the rights of third parties intervene, is probably the most perplexing problem in the subject of Agency. The authors have so confused this topic of "apparent authority" with estoppel in chapter viii. on the "Nature and Extent of Agent's Authority" as to impair seriously the value of the book as a trustworthy statement of the law. It is to be hoped that in a second edition, which the work on its merits should command, this chapter may be rewritten more clearly. H. LE B. S.

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THE PRINCIPLES OF THE ADMINISTRATIVE LAW OF THE UNITED STATES. By Frank J. Goodnow. New York: G. P. Putnam's Sons. 1905. pp. xxvii, 480.

A previous work by Dr. Goodnow, under the title of Comparative Administrative Law, received such praise from competent critics that the present volume was looked forward to with keen expectation. Nor will critical scholars be disappointed with its contents. It is conceived in a thoroughly scientific spirit, and the subject has been worked out with a clearness of expression, an orderliness of arrangement, and a depth of knowledge that will rank the work as a valuable contribution to political science. The magnitude of the task undertaken by the author may be appreciated when it is said that over six hundred